

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX # 1816 #  
#14  
B. Denny  
11-17-97

Application of: ) BOX AF  
)  
WALLACH et al ) Art Unit: 1816  
)  
Serial No.: 08/485,129 ) Examiner: R. Schwadron  
)  
Filed: June 7, 1995 ) Washington, D.C.  
)  
For: ISOLATED DNA ENCODING TUMOR ) November 3, 1997  
NECROSIS FACTOR BINDING )  
PROTEIN II, AND VECTORS, ) Atty. Docket: WALLACH=5B  
HOSTS AND PROCESSES USING )  
SUCH DNA )

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the final rejection (or the rejection of claims for at least the second time), dated July 2, 1997, of the Primary Examiner. The claims appealed are claims 11-13, 34-38, 40, 41, 43 and 44.

The item(s) checked below are appropriate:

- \_\_\_ Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
- \_\_\_ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
- XXX The fee has been calculated as shown below:  
XXX \$310.00  
\_\_\_ \$155.00 (small entity)  
\_\_\_ Not required (fee paid in prior appeal)
- XXX Applicant hereby petitions for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity	Other than Small Entity
Response Filed Within	Response Filed Within
[ ] First - \$ 55.00	[XX] First - \$ 110.00
[ ] Second - \$200.00	[ ] Second - \$ 400.00
[ ] Third - \$475.00	[ ] Third - \$ 950.00
[ ] Fourth - \$755.00	[ ] Fourth - \$1510.00
month after time period set.	month after time period set.

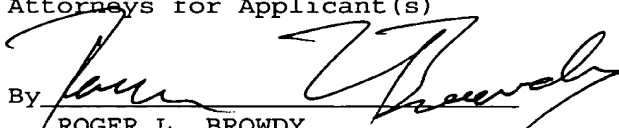
[XX] Less fees (\$110.00 ) already paid for 1 month extension of

time on even date herewith.

11/07/1997 EKURTZ 00000024 00485123  
01 FC:119 XXX A check in the amount of \$310.00 is attached. (Check No. 16917)

XXX Please charge any deficit in the fee paid herewith to my Deposit Account No. 02-4035.

Respectfully submitted,  
BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

By   
ROGER L. BROWDY  
Reg. No. 25,618

Telephone: (202) 628-5197  
Facsimile: (202) 737-3528  
roger\wall5b.noa